

Application No. 09/944,884  
Amendment dated June 24, 2004  
Reply to Advisory Action of May 6, 2004

## REMARKS

### In the Claims:

The Examiner has indicated that claims 25-29, 32-34, and 38-41 are allowed.

Applicants have herein cancelled claims 36-37 and 42 without prejudice or disclaimer. Applicants have amended claim 35 to clarify that the claimed isolated nucleic acid hybridizes under high stringency conditions selected from the group consisting of: (i) 0.015 M sodium chloride/0.0015 M sodium citrate/0.1% sodium dodecyl sulfate at 50°C; (ii) 50% (v/v) formamide with 0.1% bovine serum albumin/0.1% Ficoll/0.1% polyvinylpyrrolidone/50mM sodium phosphate buffer at pH 6/5 with 750 mM sodium chloride, 75 mM sodium citrate at 42°C; and (iii) 50% formamide, 5 x SSC (0.75 M sodium chloride, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% sodium dodecyl sulphate, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (0.75 M sodium chloride, 0.075 M sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC (0.75 M sodium chloride, 0.075 N sodium citrate) containing EDTA at 55°C.

### Request for Entry of Amendment Mailed 12 April 2004:

In the advisory action of May 6, 2004, the Examiner indicated that for purposes of appeal, the proposed amendments (submitted April 12, 2004) would not be entered, but further advised that if the amendment were entered, the rejection of Claims 35 and 36 under 35 U.S.C. 112, first paragraph, would be overcome. Applicants herein respectfully request that the Examiner enter the amendment mailed 12 April 2004 in addition to the present amendment.

### **Claim Rejections Under 35 U.S.C. § 112, second paragraph**

The Examiner also advises in the Advisory Action of May 6, 2004, that the rejection of claims 35 and 37 as being indefinite is maintained. Applicants have herein cancelled

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claim 37 without prejudice or disclaimer and Applicants have amended claim 35 to clarify the meaning of high stringency conditions. Hence, Applicants have overcome this ground of rejection and respectfully request that it be withdrawn.

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**Conclusion**

The Examiner has allowed claims 25-29, 32-34, and 38-41. Applicants believe that currently pending Claim 35 is also allowable. Hence, Applicants respectfully request that the Examiner grant allowance of this application. The Examiner is invited to contact the undersigned attorney for Applicants via telephone if such communication would expedite the prosecution this application.

Respectfully submitted,

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